

# HOUSE BILL 535

A2

11r0429

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By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County – Town of Kensington – Off-Sale Beer and Light Wine**  
3 **Licenses**

4 **MC 9–11**

5 FOR the purpose of authorizing the Montgomery County Board of License  
6 Commissioners to issue a certain number of Class A (off–sale) beer and light  
7 wine licenses in a certain area in the town of Kensington; specifying the hours  
8 and days of sale; prohibiting a license holder from engaging in certain activities;  
9 providing for an annual license fee; and generally relating to the sale of  
10 alcoholic beverages in the town of Kensington.

11 BY repealing and reenacting, with amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 8–216(a)(2)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 2B – Alcoholic Beverages**

19 8–216.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (2) (i) Except as provided in subparagraphs (ii), (iii), (iv), [and] (v),  
2 **AND (VI)** of this paragraph, in Montgomery County, a license for the sale of alcoholic  
3 beverages authorized by this article may not be issued for any place of business  
4 located in Damascus (12th election district), and in the towns of Barnesville,  
5 Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

6 (ii) In the town of Barnesville, the Montgomery County Board of  
7 License Commissioners may issue a special 7-day on-sale beer, wine and liquor  
8 license to any bona fide religious, fraternal, civic, or charitable organization.

9 (iii) In the town of Kensington, the Montgomery County Board of  
10 License Commissioners may issue a special 2-day on-sale beer and wine license or a  
11 special 2-day on-sale beer, wine and liquor license to any bona fide religious,  
12 fraternal, civic, or charitable organization holding an event on municipal property  
13 located at 3710 Mitchell Street, Kensington, Maryland.

14 (iv) 1. In the town of Kensington, the Montgomery County  
15 Board of License Commissioners may issue a special B-K beer and wine license or a  
16 special B-K beer, wine and liquor license for use on the premises of a restaurant  
17 located in the following commercial areas:

18 A. The west side of Connecticut Avenue between  
19 Knowles Avenue and Perry Avenue;

20 B. The east side of Connecticut Avenue between Knowles  
21 Avenue and Dupont Street and between University Boulevard and Perry Avenue;

22 C. The west side of University Boulevard West;

23 D. Dupont Avenue, west of Connecticut Avenue;

24 E. Plyers Mill Road, west of Metropolitan Avenue;

25 F. Summit Avenue between Knowles Avenue and  
26 Howard Avenue;

27 G. Detrick Avenue between Knowles Avenue and  
28 Howard Avenue;

29 H. The southwest side of Metropolitan Avenue between  
30 North Kensington Parkway and Plyers Mill Road;

31 I. East Howard Avenue;

32 J. Armory Avenue between Howard Avenue and  
33 Knowles Avenue;

1 K. Montgomery Avenue between Howard Avenue and  
2 Kensington Parkway; or

3 L. Kensington Parkway and Frederick Avenue, from  
4 Montgomery Avenue to Silver Creek.

5 2. A special B–K beer, wine and liquor license or a  
6 special B–K beer and wine license authorizes the holder to keep for sale and sell  
7 alcoholic beverages for consumption on the premises only.

8 3. A licensee shall maintain average daily receipts from  
9 the sale of food, not including carryout food, of at least 50% of the overall average daily  
10 receipts.

11 4. In addition to the restrictions in subsubparagraphs 2  
12 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a  
13 special B–K beer, wine and liquor license in the commercial areas specified in  
14 subsubparagraph 1I, J, K, and L of this subparagraph may not serve alcoholic  
15 beverages after 11 p.m.

16 (V) 1. IN THE TOWN OF KENSINGTON, THE  
17 MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE NOT  
18 MORE THAN THREE CLASS A (OFF–SALE) BEER AND LIGHT WINE LICENSES FOR  
19 USE IN THE COMMERCIAL AREAS SPECIFIED IN SUBPARAGRAPH (IV)1 OF THIS  
20 PARAGRAPH.

21 2. A CLASS A BEER AND LIGHT WINE LICENSE  
22 AUTHORIZES THE HOLDER TO KEEP FOR SALE AND SELL BEER OR LIGHT WINE  
23 FOR CONSUMPTION OFF THE PREMISES 7 DAYS A WEEK, FROM 10 A.M. TO 8 P.M.  
24 DAILY.

25 3. A HOLDER OF A CLASS A BEER AND LIGHT WINE  
26 LICENSE MAY NOT:

27 A. SELL SINGLE BOTTLES OR CANS OF BEER;

28 B. SELL REFRIGERATED PRODUCTS; OR

29 C. ON A SIDE, DOOR, OR WINDOW OF THE BUILDING  
30 OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT  
31 ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.

32 4. THE ANNUAL LICENSE FEE IS ~~\$200~~ \$250.

1                                    **[(v)] (VI)**    In Damascus (12th election district), the Montgomery  
 2 County Board of License Commissioners may issue a special 7-day Class C on-sale  
 3 beer, wine and liquor license to any bona fide volunteer fire department.

4                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 5 July 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.